

UNITED STATES of AMERICA
U.S. DISTRICT COURT -- EASTERN DISTRICT OF MICHIGAN

SHARON PICKENS,

Plaintiff,

DEMAND FOR JURY TRIAL

-vs-

Case No.
Hon.

ASSET ACCEPTANCE LLC,

Defendant.

COMPLAINT & JURY DEMAND

Introduction

1. The FDCPA broadly prohibits unfair or unconscionable collection methods; conduct which harasses, oppresses or abuses any debtor; and any false, deceptive or misleading statements, in connection with the collection of a debt; it also requires debt collectors to give debtors certain information. 15 U.S.C. §§1692d, 1692e, 1692f and 1692g.

Jurisdiction

2. This court has federal question jurisdiction under the Fair Debt Collection Practices Act, 15 U.S.C. §1692k(d) and 28 U.S.C. §§1331, 1337.
3. This court may exercise supplemental jurisdiction over the related state law claims arising out of the same nucleus of operative facts which give rise to the Federal law claims.

Parties

4. The Plaintiff to this lawsuit resides in West Bloomfield, Michigan in Oakland County.

5. Asset Acceptance LLC, (“AALLC”) is a corporation doing business in Michigan.

Venue

6. The transactions and occurrences which give rise to this action occurred in Oakland County, Michigan.
7. Venue is proper in the Eastern District of Michigan.

General Allegations

8. On or about March 4, 2014, Sharon R. Pickens was represented by counsel in State of Michigan 6th Circuit Court Case No. 2012-126434-CK before the Hon. Leo Bowman.
9. On or about March 4, 2014, AALLC had actual knowledge that Sharon R. Pickens was represented by counsel in State of Michigan 6th Circuit Court Case No. 2012-126434-CK before the Hon. Leo Bowman.
10. On or about March 4, 2014, and in spite of the fact that AALLC had actual knowledge that Sharon R. Pickens was represented by counsel in State of Michigan 6th Circuit Court Case No. 2012-126434-CK before the Hon. Leo Bowman, AALLC contacted Plaintiff directly, sending the Plaintiff legal documents to sign and circumventing her record counsel.
11. This communication was misleading and in violation of the Fair Debt Collection Practices Act.

COUNT I – Fair Debt Collection Practices Act (AALLC)

12. Ms. Pickens incorporates the preceding allegations by reference.
13. At all relevant times AALLC – in the ordinary course of its business – regularly engaged in the practice of collecting debts on behalf of other individuals or entities.

14. AALLC is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).
15. AALLC 's foregoing acts in attempting to collect this alleged debt against Ms. Pickens constitute violations of the FDCPA.
16. Ms. Pickens has suffered damages as a result of these violations of the FDCPA.

COUNT II – Michigan Occupational Code (AALLC)

17. Ms. Pickens incorporates the preceding allegations by reference.
18. AALLC is a "collection agency" as that term is defined in the Michigan Occupational Code, M.C.L. § 339.901(b).
19. Ms. Pickens is a debtor as that term is defined in M.C.L. § 339.901(f).
20. AALLC 's foregoing acts in attempting to collect this alleged debt against Ms. Pickens constitute violations of the Occupational Code.
21. Ms. Pickens has suffered damages as a result of these violations of the Michigan Occupational Code.

Demand for Jury Trial

22. Plaintiff demands trial by jury in this action.

Demand For Judgment for Relief

ACCORDINGLY, Ms. Pickens requests that the Court:

- a. *Assume jurisdiction over all claims;*
- b. *Award actual damages.*
- c. *Award statutory damages.*
- d. *Award punitive damages.*

e. *Award statutory costs and attorney fees.*

Respectfully Submitted,

ADAM G. TAUB & ASSOCIATES
CONSUMER LAW GROUP, PLC

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